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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/770,251	02/02/2004	Michael J. Halliday	31571-1001	9448
5179 7590 03/18/2010 PEACOCK MYERS, P.C. 201 THIRD STREET, N.W. SUITE 1340 ALBUQUERQUE, NM 87102				
EXAMINER KWIECKINSKI, RYAN D				
ART UNIT 3635		PAPER NUMBER		
MAIL DATE 03/18/2010		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Response to Rule 312 Communication	Application No.	Applicant(s)
	10/770,251	HALLIDAY, MICHAEL J.
	Examiner	Art Unit
	RYAN D. KWIECINSKI	3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1. ☒ The amendment filed on 08 February 2010 under 37 CFR 1.312 has been considered, and has been:

- a) ☐ entered.
b) ☐ entered as directed to matters of form not affecting the scope of the invention.
c) ☐ disapproved because the amendment was filed after the payment of the issue fee.

Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.

- d) ☒ disapproved. See explanation below.
e) ☐ entered in part. See explanation below.

The amendment to the claims removes limitations that are critical to the allowability of the application. The requirement of the skylight having direct contact with the opening in the roof and sealing the roof without the use of any type of flashing is a critical limitation in the allowability of the invention. The direct contact without flashing in combination with the shape and orientation of the skylight read of the prior art of record for the case.

/Ryan D Kwiecinski/
Examiner, Art Unit 3635

/Basil Katcheves/
Primary Examiner, Art Unit 3635